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April 21, 2021

VIA CM/ECF

The Honorable Lewis J. Liman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Eastern Profit Corp. Ltd. v. Strategic Vision US LLC*, C.A. No. 18-cv-2185 (LJL)

Dear Judge Liman:

Eastern Profit writes in opposition to Strategic Vision's motion to strike PX-11 — the loan agreement between Eastern Profit and ACA Capital. Strategic seeks to exclude PX-11 on authenticity and hearsay grounds. Both grounds lack merit.

First, the loan agreement was properly authenticated. Under Rule 901 of the Federal Rules of Evidence, a party must authenticate proffered evidence by "produc[ing] evidence sufficient to support a finding that the item is what the proponent claims it is." "Rule 901 does not erect a particularly high hurdle." *United States v. Tin Yat Chin*, 371 F.3d 31, 38 (2d Cir.2004) (authenticating loan documents).

Mr. Han established the loan agreement's authenticity at trial earlier today. He testified that he: (i) recognized the loan agreement; (ii) signed the loan agreement; (iii) explained when, where, and why he signed it; (iv) identified his signature on the loan agreement; (v) identified William Yu's signature; and (vi) was able to testify accurately and in detail regarding all of the material terms of the agreement. Trial Tr. at 569-573. PX-11 has been authenticated.

Second, the loan agreement is not hearsay because it is a contract. See *Porter v. United States*, 2015 WL 1004953, at *1 n.2 (S.D.N.Y. Mar. 3, 2015) ("[A] contract is 'a form of verbal act to which the law attaches duties and liabilities and therefore is not hearsay.'"). It is also a business record, and therefore not hearsay. F.R.E. 803(6).

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Strategic's motion to strike should be denied.

Respectfully,

/s/ Joanna J. Cline

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cc: All Counsel of Record (By CM/ECF)